

Order below Exh.1
in Cri. Bail Application No.77/2022.
(Ranjana Nathu Sable and others Vs State)

This is an anticipatory bail application moved by the applicant-accused Ranjana Nathu Sable and Sarika Shashikant Shejwal under section 438 of the Criminal Procedure Code for grant of anticipatory bail in connection with CR No.10/2022 registered with Ghoti Police Station for the offence under section 306 r.w.s.34 of the Indian Penal Code (hereinafter referred to as "IPC" for short), in the event of arrest in connection with above referred crime registered on 13.1.2022.

2. It is stated in the application that the applicants-accused are no way connected with the present crime. No prima-facie case is made out against them, allegations against them are vague, there no criminal antecedents and they will ready to abide the condition laid down by this court and hence, prayed to allow anticipatory bail.

3. The state has opposed the application. I.O. is present and submitted report. Heard both the parties.

4. The learned counsel for applicants-accused Shri. Pramod Mahajan has submitted that even if the case of prosecution is accepted entirely, no offence is made out against present applicants-accused as they have not instigated the deceased to commit suicide, just their names are mentioned in the suicide note that cannot be said that they are involved in the crime. During the course of argument, he has relied on case-laws

i) Ahmad Nabi Vs State of Uttar Pradesh LAWS (ALL) 1985-12-14, Allahabad High Court,

ii) Ramdas Ajinath Bhandwalkar Vs State of Maharashtra in Criminal Appeal No.6 of 2012 decided on 1/3/2012

iii) Vijay KUMar Rastogi Vs State of Rajasthan in S.B. Cr. Revision Petition No.37/2011 decided on 23.2.2012.

5. The learned APP Shri. Suryavanshi submitted that it is not the stage to scrutinize the prosecution case minutely. It is an anticipatory bail application and role of the accused is to be seen prima-facie based upon the papers of investigation and therefore, in his argument he pointed out the role of present applicants-accused as one of the applicant-accused Ranjana Sable had visited the house of the first informant and alongwith one Pratibha Dute and threatened her that her son is involved with the accused No.1 Shubhangi who was pregnant and both of them have physical relationship with each other and they have come to discuss with the said issue and also informed that deceased Vijay had to visit at Igatpuri to Shubhangi, if he fails to marry with her, she will implicate him in court cases and that will cause a lot of trouble. Even after this incident the deceased was continuously troubled by phone call particularly by Shubhangi Ghumare and he was continuously disturbed and ultimately committed suicide.

6. In his suicide note the name of accused No.1 Shubhangi and her friends are mentioned. He has stated that these accused have destroyed the lives of so many persons and he is also committing suicide. Thus, considering all these facts the case-laws relied upon by the learned counsel of applicants-accused are not applicable to the fact of present case as they are relating to effect of non-forwarding the FIR within stipulated period as per section 157 of

Code of Criminal Procedure and on point of what is mean of suicide. Though the learned counsel for applicants-accused tried to point out that even insisting some one to marry with another person cannot be said to be suicide, however, fact of present case are otherwise. Deceased was threatened by visiting his house and was continuously tortured on phone calls can be said to attract the provisions of section 306 of IPC, at least at the stage of hearing of the bail application.

7. I.O. has submitted in her report that the ADR and CDR reports of the mobile phone call of the accused are awaiting and therefore, it will help the investigation of the case and link between the suicide by the deceased and the involvement of the present applicants-accused in present case. Therefore, considering all these facts and circumstances discussed above, the custodial interrogation of the applicants-accused are very much essential. They are absconding since the registration of the crime. Hence, the present application deserves to be rejected. Therefore, I pass following order.

ORDER

- 1) Anticipatory Bail Application No.77/2022 is hereby rejected.
- 2) Inform the concerned police station accordingly.

Date-24.01.2022

(M. A. Shinde)
Additional Sessions Judge-8,
Nashik.